



10-29-02

10/29/02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Dakai Liu and Elazar Rabbani	)	
		)	
Serial No.	09/046,840	)	Group Art Unit: 1635
		)	
Filed:	March 24, 1998	)	Examiner: David Guzo
		)	
Title:	<b>NOVEL VIRAL VECTOR AND PACKAGING CELL LINES</b>	)	
		)	

527 Madison Avenue, 9th Floor  
New York, New York 10022  
October 28, 2002

**FILED BY EXPRESS MAIL**

Director of Patents and Trademarks  
Washington, D.C. 20231 Box DAC

**RECEIVED**

Attention: Office of Deputy Assistant  
Commissioner for Patents  
2121 Crystal Drive  
Crystal Park 2 - Suite 913  
Arlington, Virginia 22202

OCT 31 2002

**OFFICE OF PETITIONS**

**PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE  
AN UNINTENTIONALLY ABANDONED APPLICATION**

Dear Sirs:

Applicants submit this Petition to the Commissioner under the provisions of 37 C.F.R. §1.137(b) to revive the above-identified application in which taking action was unintentionally delayed.

The above-identified application became unintentionally abandoned after October 27, 2001, which was the date that an appeal brief under 37 CFR 1.17(c) was due. Because October 27, 2002 falls on a Sunday, under 37 C.F.R. §1.11, action may be taken on the next succeeding day which is not a Sunday, Saturday or a Federal holiday. Accordingly, this Petition is being otherwise timely filed.

Enz-56(D3)

10/31/2002 AMENDAF1 000000091 051135 09046840  
01 FC:2453 640.00 CH

Dakai Liu and Elaz Rabbani

Serial No. 09/046,840

Filed: March 24, 1998

Page 2 [Petition Under 37 C.F.R. §1.137(b) To Revive

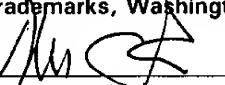
An Unintentionally Abandoned Application - October 28, 2002]

EXPRESS MAIL CERTIFICATE

"Express Mail" Label No. EL869104758US

Deposit Date October 28, 2002

I hereby certify that this paper and the attachments  
herein are being deposited with the United States Postal  
Service "Express Mail Post Office to Addressee" service  
under 37 CFR 1.10 on the date indicated above and is  
addressed to the Commissioner of Patents and  
Trademarks, Washington DC 20231.

  
Ronald C. Fedus

Reg. No. 32,567

OCT 28 2002

Date

Dakai Liu and Elaz [REDACTED] Rabbani

Serial No. 09/046,840

Filed: March 24, 1998

Page 3 [Petition Under 37 C.F.R. §1.137(b) To Revive

An Unintentionally Abandoned Application - October 28, 2002]

A Notice of Abandonment was mailed in the form of a Communication dated May 1, 2002. A copy of the May 1, 2002 Communication is attached to this Petition as Exhibit 1.

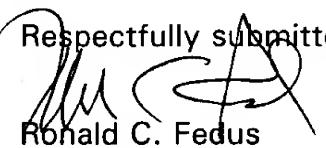
It is hereby requested that this application be revived because the delay in taking action was unintentional. Furthermore, the entire delay in filing the required response from the due date for such response until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The required response in the form of a Continued Prosecution Application (CPA) is being submitted concurrently herewith and is attached as Exhibit 2.

The small entity fee for filing this Petition is \$620.00. Small entity status was previously established in this application and is still applicable. The Patent and Trademark Office is hereby authorized to charge Deposit Account No. 05-1135 for the requisite small entity fee of \$620.00 set forth in 37 C.F.R. §1.17(m). The Patent and Trademark Office is further authorized hereby to charge Deposit Account No. 05-1135 for any other fees required in connection with this Petition and the attached Amendment, or to credit any overpayment thereto.

A duplicate copy of this Petition but without attached Exhibits 1 and 2 is also submitted herewith.

Favorable action on this Petition is earnestly solicited.

Respectfully submitted,



Ronald C. Fedus

Registration No. 32,567

Attorney for Applicants

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/046,840	03/24/1998	DAKAI LIU	ENZ-56(DIV3)	2602

28169 7590 05/01/2002

ENZO THERAPEUTICS, INC.  
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NEW YORK, NY 10022

EXAMINER

GUZO, DAVID

ART UNIT

PAPER NUMBER

1636

DATE MAILED: 05/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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**OCT 31 2002**

**OFFICE OF PETITIONS**



Communication Re: App al

Application No.	Applicant(s)
09/046,840	LIU ET AL.
Examiner	Art Unit
David Guzo	1636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1.  The Notice of Appeal filed on \_\_\_\_\_ is not acceptable because:
  - (a)  it was not timely filed.
  - (b)  the statutory fee for filing the appeal was not submitted. See 37 CFR 1.17(b).
  - (c)  the appeal fee received on \_\_\_\_\_ was not timely filed.
  - (d)  the submitted fee of \$ \_\_\_\_\_ is insufficient. The appeal fee required by 37 CFR 1.17(b) is \$ \_\_\_\_\_.
  - (e)  the appeal is not in compliance with 37 CFR 1.191 in that there is no record of a second or a final rejection in this application.
  - (f)  a Notice of Allowability, PTO-37, was mailed by the Office on \_\_\_\_\_.
2.  The appeal brief filed on \_\_\_\_\_ is NOT acceptable for the reason(s) indicated below:
  - (a)  the brief and/or brief fee is untimely. See 37 CFR 1.192.
  - (b)  the statutory fee for filing the brief has not been submitted. See 37 CFR 1.17(c).
  - (c)  the submitted brief fee of \$ \_\_\_\_\_ is insufficient. The brief fee required by 37 CFR 1.17(c) is \$ \_\_\_\_\_.
3.  The appeal in this application is DISMISSED because:
  - (a)  the statutory fee for filing the brief as required under 37 CFR 1.17(c) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.
  - (b)  the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.
  - (c)  Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on \_\_\_\_\_.
  - (d)  other: \_\_\_\_\_
4.  Because of the dismissal of the appeal, this application:
  - (a)  is abandoned because there are no allowed claims.
  - (b)  is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED.
  - (c)  is before the examiner for consideration of the submission and prosecution has been reopened pursuant to 37 CFR 1.114.

DAVID GUZO

PRIMARY EXAMINER